

ISSUE: RAIL CORRIDOR AS OPEN SPACE

Section 16 of the draft amends **G.S. 160A-372, Contents and requirements of ordinance**, by adding a new subdivision to that section providing that, if a RR company has filed RR corridor maps pursuant to Section 9 of the bill, municipal subdivision control ordinances shall not allow the dedication or reservation of recreation areas or open spaces within any rail corridor unless the applicant first obtains written approval from the RR company. The RR Company would have 60 days to approve, deny with an explanation, or respond with its requirements to the request for a recreation area or open space dedication or reservation within its corridor. Failure of the RR company to respond shall be deemed approval. The city is authorized to rely on the applicant's submission, and is held harmless.

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Section 17 of the draft amends **G.S. 160A-381, Grant of Power**, by adding a new subdivision to that section providing that, if a RR company has filed RR corridor maps pursuant to Section 9 of the bill, municipalities shall not allow the dedication or reservation of recreation areas or open spaces within any rail corridor unless the applicant first obtains written approval from the applicable railroad company. The railroad company would have 60 days to approve, deny with an explanation, or respond with its requirements to the request for a recreation area or open space dedication or reservation within its corridor. Failure of the RR company to respond shall be deemed approval. The city is authorized to rely on the applicant's submission, and is held harmless.

ISSUE: BUILDING PERMITS FOR CONSTRUCTION IN A RAIL CORRIDOR

Section 18 of the draft amends **G.S. 160A-417, Permits**, to require notification of the NCRR prior to the issuance of building, plumbing, electrical, and HVAC permits for activity in a NCRR corridor. The NCRR would have 60 days from receipt of notice of the permit application to submit objections, and would be designated as an aggrieved party for the purpose of appealing permitting decisions inconsistent with its ownership rights. Failure of the RR company to respond shall be deemed approval. The city is authorized to rely on the applicant's submission, and is held harmless. This section would not apply to the issuance of permits for repair of existing building and mechanical systems.

EFFECTIVE DATE

Section 19 provides that bill becomes effective on October 1, 2010. Sections 9, 10, 11, 12, 14, 15, 16, 17, and 18 of the bill would apply to actions taken by city, or county entities on or after October 1, 2010.